



Stormwater, Drainage and Watercourse Bylaw CONSULTATION

Deliberations booklet: 1 of 1
Submissions numbered: 1 – 5

Booklet prepared: 29 April 2025

Sub #	Name	Last name	Organisation	To be heard	Page
1	REDACTED			No	3
2	REDACTED			No	4
3	REDACTED			No	5
4	REDACTED			No	6
5	Samuel	Wilshire		Yes	7

Submitter Number: 1

Full name: REDACTED

Organisation:

Wish to speak to the submission: No

Do you have any feedback on the proposed Stormwater, Drainage and Watercourse Bylaw?

The bylaw over reaches such that it duplicates other statutory documents and plans. Meaning while those documents may change the bylaw, and it's then outdated requirements, will still stand. The bylaw provides no certainty to potential users as it's requirements rely on the engineering code of practice and council staff to invent requirements for discharge before approval is given.

Buddle Finlay Comment:

We respectfully disagree with the submitter's comments. The bylaw is secondary legislation and regulates matters in accordance with the Local Government Act 2002. Bylaws give the Council the flexibility to respond to particular issues within the district and to respond to that mischief in a manner which is appropriate for the particular community (stormwater connections and discharges are regulated through a combination of primary legislation, regional and local council policies, plans and bylaws). Further, the Council has determined that the bylaw is not inconsistent with other relevant Council policy and plans. The submitter has not identified a specific inconsistency with other statutory documents or plans but regardless, the bylaw, once made, will be treated as valid. Only the High Court, on the application of any person, can quash or set aside a bylaw or part of a bylaw that it considers invalid. We also note that section 14 of the Bylaws Act 1910 provides that "no bylaw shall be invalid merely because it deals with a matter already dealt with by the laws of New Zealand, unless it is repugnant to the provisions of those laws" (ie it would have to be irreconcilable). Regarding the submitter's comment that the bylaw provides no certainty to potential users etc, matters of detail can be dealt with separately from the bylaw itself (ie by reference to the engineering code of practice or by later resolution of the Council) and likewise, approvals can be granted under administrative authority (see section 151(1) of the LGA). Further, section 13(1) of the Bylaws Act 1910 provides that "No bylaw shall be invalid because it requires anything to be done within a time or in a manner to be directed or approved in any particular case by the local authority making the bylaw, or

by any officer or servant of the local authority, or by any other person, or because the bylaw leaves any matter or thing to be determined, applied, dispensed with, ordered, or prohibited from time to time in any particular case by the local authority making the bylaw, or by any officer or servant of the local authority, or by any other person".

Staff Recommendation:

The submitters comments are acknowledged.

The bylaw is secondary legislation and regulates matters in accordance with the Local Government Act 2002. Bylaws give the Council the flexibility to respond to particular issues within the district in a manner which is appropriate for the particular community (stormwater connections and discharges are regulated through a combination of primary legislation, regional and local council policies, plans and bylaws). The Council has determined that the bylaw is not inconsistent with other relevant Council policy and plans.

The bylaw can be updated at any time in response to changes in other statutory documents and plans. Council is proposing amendments to the existing bylaw in response to changes in Council's responsibilities under the Canterbury Land and Water Regional Plan, the recently adopted Waiora One Water Strategy and in anticipation of conditions of regional resource consents.

We acknowledge your comment regarding reliance on the Engineering Code of Practice (ECoP) to outline detailed requirements. This approach is considered appropriate as it provides a single source of information for technical requirements that can be updated more frequently with changing policy, needs or technology. Council welcomes feedback from the development community on suggested changes to the (ECoP). Council has resolved to update the Engineering Code of Practice as required with substantive review at no more than 5 years intervals.

Submitter Number: 2

Full name: REDACTED

Organisation:

Wish to speak to the submission: No

Do you have any feedback on the proposed Stormwater, Drainage and Watercourse Bylaw?

I do not agree

Staff Recommendation

The submitters comment is acknowledged.

Submitter Number: 3

Full name: REDACTED

Organisation:

Wish to speak to the submission: No

Do you have any feedback on the proposed Stormwater, Drainage and Watercourse Bylaw?

Don't shutdown any more stock water races

Staff Recommendation

The submitters comment is acknowledged. Stockwater races are outside the scope of this bylaw.

Submitter Number: 4

Full name: REDACTED

Organisation:

Wish to speak to the submission: No

Do you have any feedback on the proposed Stormwater, Drainage and Watercourse Bylaw?

My main feedback for this new bylaw is, while necessary and prudent, there are new mechanisms that have been introduced that impose additional costs on ratepayers - not ideal.

It is extremely remiss that the Council did not review the existing bylaw before 1 June 2023 as it was legally required to do so. This has resulted in extra time and expense that was unnecessary.

Yet again, the public are only being given the minimum required period for consultation and a general lack of information e.g. an interactive web map of the Stormwater, Drainage and Watercourse network would have been helpful.

Buddle Finlay Comment:

Regarding costs, section 150 of the LGA provides for fees or charges to be imposed by the Council for regulatory, administrative or processing and inspection activities in respect of bylaws in general. The Council cannot recover more than the reasonable costs incurred in respect of the administration of the relevant function (and this is consistent with the traditional view that bylaw charges should not be used as a tax or for excessive revenue generating purposes). We understand that the Council considers that any fees or charges described in the bylaw (or to be prescribed under section 83 of the LGA through the annual schedule of fees and charges) are or will be reasonable. Regarding the upcoming expiration of the existing bylaw, the Council acknowledged in its statement of proposal that it did not review the existing bylaw on the review due date. From the Council's perspective, deferral of review pending legislative changes was appropriate. Arguably, the additional time and expense of adopting a new bylaw instead of reviewing the existing bylaw on the review date is negligible.

Staff Recommendation:

The submitters comments are acknowledged. Fees and charges set out as part of the Long Term Plan recover staff and contractor costs relating to the activity. The Council cannot recover more than the reasonable costs incurred in respect of the administration of the relevant function.

The Council did not conduct a review of the current bylaw before 1 June 2023 because it was expected that National bylaws were going to be developed or impacted as part of the previous three Water Reforms. The time and costs relating to creating a new bylaw and reviewing an existing bylaw are negligible. Under the Local Government (Water Services) Bill Council will be required to review all water services bylaws within two years of the Bill becoming law meaning that the bylaw will be required to be reviewed again in approximately 2 years.

The consultation period of 4 weeks is considered appropriate for the level of changes proposed to the bylaw.

Submitter Number: 5

Full name: Samuel Wilshire

Organisation:

Wish to speak to the submission: Yes

Do you have any feedback on the proposed Stormwater, Drainage and Watercourse Bylaw?

Many points suggested concern me.

The right to withdraw current consents for discharge while reports would suggest Selwyn district council isn't compliant themselves through pines treatment plant. For clarity storm water is going to pines and then systems are at capacity during rain storms, then irrigation is spreading this water poorly treated (bright yellow) ALLEGEDLY

User pays for storm water upgrades not developers to accomodate growth

It would appear to me that this is just another way to rate, ratepayers harder, to make up for the loss of revenue from forming the WSCCO that was formerly collected through water rate charges.

Another way to collect consent fees in direct response to the RMA changes coming, more litigation, more compliance costs and more fees.

Redacting COC's issued for dwellings is bad enough now you want to have the right to change the goal posts on existing properties?

When does the council start working for us and not to benefit themselves

You're getting confused between providing a service to ratepayers and unbridled, unhindered and draconian regulations made to oppress and demoralise the fine people of Selwyn.

Keep the bylaws as they are, stop shifting the goal posts, make developers pay for their fair share for once.

Buddle Finlay Comment:

Regarding the Council's power to withdraw a discharge approval, the Council is empowered to regulate stormwater through bylaws and it follows that such bylaws can

provide for a discharge approval to be withdrawn if the applicant does not comply with the bylaw or approval. Regarding the statement that users have to pay for stormwater upgrades rather than developers, developers are subject to development contributions (which contribute to, among other things, stormwater works). We do not propose to comment further on this as development contributions are outside the scope of this bylaw. As noted above, section 150 of the LGA provides for fees or charges to be imposed by the Council for regulatory, administrative or processing and inspection activities in respect of bylaws in general. The Council cannot recover more than the reasonable costs incurred in respect of the administration of the relevant function (and this is consistent with the traditional view that bylaw charges should not be used as a tax or for excessive revenue generating purposes). We understand that the Council considers that any fees or charges described in the bylaw (or to be prescribed under section 83 of the LGA through the annual schedule of fees and charges) are or will be reasonable and are unrelated to the submitter's comments about the formation of a water services council-controlled organisation.

Staff Recommendation:

The submitters comments are acknowledged.

The overarching goal of the Draft Bylaw is to assist Council to uphold the mana and mauri of wai in the Waikirikiriri Selwyn District. This will be done by providing mechanisms to manage and control discharges into the Selwyn District Council managed stormwater and drainage networks including entry of contaminants. Council is proposing amendments to the existing bylaw in response to changes in Council's responsibilities under the Canterbury Land and Water Regional Plan, the recently adopted Waiora One Water Strategy and in anticipation of conditions of Councils Township wide Stormwater Resource Consents currently being processed by Environment Canterbury.

Under the proposed bylaw premises are required to apply for approval to discharge to Council's network. The purpose of this application process is to identify the level of risk the discharge poses to the health of water and ensure adequate controls are in place. There is provision for this approval and associated risk category to be reviewed if there has been changes to the site or the discharge or non-compliances occur. This review provides an ability for additional controls to be put in place to reduce environmental effects.

The stormwater and wastewater networks are separate and stormwater is not permitted to be discharged to the wastewater network. During large rain events, surface water ingress into the wastewater network can occur, for example, through low gully traps (this is illegal). Irrigation of treated wastewater to land at the Pines Wastewater Treatment Plant is done in line with resource consent conditions.

Stormwater infrastructure required to service new residential development is constructed and funded by each development and is not funded from rates. The Lincoln township has a development contribution for stormwater for properties being developed inside the catchment of the Ellesmere Road wetland.

Fees and charges set out as part of the Long Term Plan recover staff and contractor costs relating to the activity.